

5. Please produce all documents provided by you to the Daigle Law Group, and any draft reports made to you by the Daigle Law Group. Please include any contracts and engagement communications and documents.

RESPONSE: A copy of the public document engaging the Daigle Law Group, LLC as legal counsel to conduct an investigation as defined in the contract is provided. [Bates Stamp Nos. 1486 - 1489]

As of the date of this Amended Response, the Daigle Audit has been provided to the public and, subject to and without waiver of Defendants' objection, plaintiff's counsel have been provided a draft of the Audit as well as certain limited additional information. The City objects to providing any further notes or work product of the Daigle Law Group on the basis that the discovery of this information is not proportional to the needs of the case under circumstances where Johnson City's position is that the Daigle Audit is a subsequent remedial measure. In addition, Johnson City asserts that the notes of the Daigle Law Group are not discoverable under Federal Rule of Civil Procedure 26(b)(4). *See* Order Granting in Part Defendant Albany County Board of Commissioners' and Albany County John Does I-IX's Motion to Quash and Motion for Protective Order in the case of *Hinkel v. Colling*, Case 1:20-cv-00166-NDF (D.C. Wyoming 2021) at Doc. 65, Pages 1-19; *Genesco, Inc. v. Visa U.S.A., Inc.*, 302 F.R.D. 168, 189, 2014 WL 935329 (M.D. Tenn. 2014) (Consulting experts do not offer testimonial evidence during a litigation proceeding, and parties are therefore not entitled to discovery from consulting experts).